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IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JOAN G. LOZOYA Plaintiff, v. ERIC J. ANDERSON, M.D.; LINDSEY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA INC.; MOUNTAINVIEW HOSPITAL; FREEMONT EMERGENCY SERVICE, INC.; ALEXANDRA M. PAGE, M.D.; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE and DOES 1 through 30, inclusive Defendants.	CASE NO. 07 CV 2148IEG (WMC) **NOTICE OF MOTION AND MOTION OF DEFENDANTS HEALTH CORPORATION OF AMERICA, INC. AND MOUNTAINVIEW HOSPITAL TO DISMISS PLAINTIFF'S 1st AMENDED COMPLAINT** DATE: June 2, 2008 TIME: 10:30 a.m. DEPT.: Court Room 1 Judge: Irma E. Gonzalez Magistrate: William McCurine, Jr. DATE OF FILING ACTION: 11/08/07

TO ALL PARTIES AND AUTHORITIES OF RECORD:

PLEASE TAKE NOTICE that on June 2, 2008, at 10:30 am, or soon thereafter as counsel may be heard, in Courtroom 1 of the above-titled Court, located at 940 Front Street, San Diego, California, before the Honorable Irma E. Gonzalez, defendants HEALTH CORPORATION OF AMERICA, INC. AND MOUNTAINVIEW HOSPITAL (herein after referred to as "HCA and MountainView Hospital"), will, and hereby do, move the Court for an order, dismissing the Complaint of Plaintiff JOAN G. LOZOYA in its entirety.

DEFENDANTS, HOSPITAL CORPORATION OF AMERICA AND MOUNTAINVIEW HOSPITAL, by and through its counsel of record Kyle A. Cruse of the law firm of DUMMIT, BUCHHOLZ & TRAPP, in lieu of its Answer to Plaintiff's Complaint and pursuant to Fed R. Civ. P. 12(b)(6), NRS 41A.071, and NRS 41A.097 moves this Honorable Court for an order dismissing Plaintiff's Complaint for failure to state a claim upon which relief may be granted and for failing to provide the requisite medical care provider affidavit pursuant to NRS 41A.071 in a timely fashion pursuant to NRS 41A.097.

This Motion is made and based upon the pleadings and papers on file herein, the following points and authorities and oral argument of counsel at the time of hearing in this matter.

DATED this ___ day of April, 2008.

DUMMIT, BUCHHOLZ & TRAPP

/s/ Kyle A. Cruse
KYLE A. CRUSE, ESQ.
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